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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

June 2008 Grand Jury

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| UNITED STATES OF AMERICA, Plaintiff, v. JOSE ALFONSO CORTEZ-HERRERA, Defendant. | Criminal Case No. '08 CR 2197 L<br>I N D I C T M E N T<br>Title 8, U.S.C., Sec. 1326(a) and (b) - Attempted Entry After Deportation; Title 18, U.S.C., Sec. 1546(a) - Fraud and Misuse of Entry Document |

The grand jury charges:

Count 1

On or about April 1, 2008, within the Southern District of California, defendant JOSE ALFONSO CORTEZ-HERRERA, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e., conscious desire, to enter the United States, after having been previously excluded, deported and removed from the United States to El Salvador, and not having obtained the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security to reapply for admission thereto; and committed an overt act that was a substantial step toward entering the United States, that is, crossed the border between Mexico and the United States; all in violation of Title 8, United States Code, Section 1326(a) and (b).

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If is further alleged that defendant JOSE ALFONSO CORTEZ-HERRERA was removed from the United States subsequent to July 8, 2004.

Count 2

On or about April 1, 2008, within the Southern District of California, defendant JOSE ALFONSO CORTEZ-HERRERA, did knowingly and willfully possess a document prescribed by statute or regulation for entry, namely, an I-551 Permanent Resident Alien card and a California Identification card, in the name of Juan F. Diaz Camarena, knowing and having reason to know that said document was unlawfully obtained; in violation of Title 18, United States Code, Section 1546(a).

DATED: July 2, 2008.

A TRUE BILL:

Foreperson

KARAN P. HEWITT
United States Attorney

By:

JAMES P. MELENDRES
Assistant U.S. Attorney